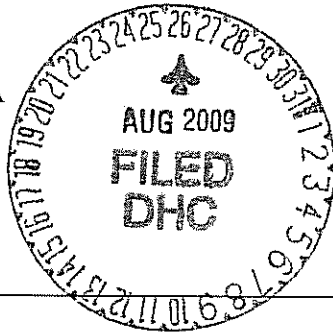


NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
09 DHC 13

The North Carolina State Bar,)
Plaintiff,)
v.)
Janet P. Reed,)
Attorney,)
Defendant.)

AMENDED COMPLAINT

Plaintiff, complaining of defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the rules and regulations of the North Carolina State Bar promulgated thereunder.

2. Defendant, Janet P. Reed, (hereinafter "Reed"), was admitted to the North Carolina State Bar on September 12, 1997, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the State of North Carolina State Bar and the laws of the State of North Carolina.

3. During all or a portion of the relevant periods referred to herein, Reed was actively engaged in the private practice of law in Jacksonville, Onslow County, North Carolina.

Upon information and belief, plaintiff alleges:

FIRST CLAIM FOR RELIEF

4. On or about October 11, 2007 Reed was appointed to represent Jeremy Cox (hereinafter "Cox") in Onslow County District Criminal Court for multiple traffic offenses including speeding 90 miles per hour in a 45 mile per hour zone and reckless driving in File No. 06CR5216 and speeding 71 miles per hour in a 55 mile per hour zone and driving while license revoked in File No. 06CR703796.

5. Reed was also representing Cox on another traffic infraction for unsafe passing, File No. 06IF4088.

6. On or about February 20, 2008, Reed approached Matthew V. Silva (hereinafter "Silva"), Assistant District Attorney for the Fourth Prosecutorial District, in court to negotiate a plea agreement on behalf of Cox.

7. Reed and Silva reached an agreement in File No. 06CR5216 that upon successful completion of an eight (8) hour driving course Cox would be allowed to plead guilty to speeding 70 mph in a 45 mph zone to resolve the charges of speeding 90 mph in a 45 mph zone and careless and reckless driving.

8. At the time Silva agreed to this disposition in 06CR5216, he was unaware of Cox's pending unsafe passing infraction, File No. 06IF4088.

9. At the time Silva agreed to the disposition in 06CR5216, he was also unaware of Cox's pending charges of speeding 71 mph in a 55 mph zone and Driving While License Revoked in File No. 06CR703796.

10. Silva prepared a plea agreement form, reflecting the proposed disposition in 06CR5216, by filling in the case number 06CR5216, marking "90/45 C&R" as the charge and marking 70/45 as the plea.

11. After preparing the plea agreement form Silva signed the form and handed the document to Reed.

12. Reed then informed Silva of Cox's pending unsafe passing infraction, File No. 06IF4088.

13. Silva agreed to allow Reed to add the unsafe passing infraction, File No. 06IF4088, to the plea agreement form, after verifying with the Reed that the addition would be limited to a single infraction of unsafe passing. In return for this addition, Cox would be required to plead to an additional charge of improper equipment in lieu of unsafe passing in File No. 06IF4088.

14. Reed agreed and was given permission by Silva to amend the plea agreement to reflect the additional negotiation described in paragraph 13.

15. Silva was unaware of the pending charges of 71/55 and Driving While License Revoked in File No. 06CR703796 when he made the additional agreement described in paragraph 13.

16. With Silva's authorization, Reed made the following additions to the plea agreement form:

- (1) By the case number, she added "06IF4088"
- (2) By the charge, she added "& Unsafe Passing"
- (3) By the plea, she added "& IE"

17. Without Silva's authorization Reed also added the File No. "06CR703796" to the plea agreement form.

18. Reed and Cox signed the plea agreement form and Reed returned it to Silva, who was in trial at the time and unable to review it.

19. When Silva had the opportunity to review the plea agreement form he noticed that Reed had added File No. 06CR703796 to the agreement without obtaining his approval or notifying him that she had added this file to the plea agreement.

20. After he noticed the unauthorized addition of File No. 06CR703796, Silva notified Reed's practice mentor of what Reed had done and to inform him that the plea agreement was no longer valid.

21. The next day, in Reed's presence, Silva told the presiding District Court Judge that the plea agreement was no longer valid and that he would prosecute each charge against Cox individually and without reduction because he could not trust Reed.

22. The presiding Judge called Cox to the front of the courtroom and asked if Cox wanted Reed to continue to represent him.

23. Cox responded in the negative and Silva requested to have Reed removed as appointed counsel for Cox.

24. The court appointed new counsel for Cox.

25. The effect of adding File No. 06CR703796 to the plea agreement, if not caught by Silva, would have allowed Cox to escape prosecution and or responsibility for the offenses of speeding 71 mph in a 55 mph zone and Driving While License Revoked.

THEREFORE, plaintiff alleges that Reed's foregoing conduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. §84-28 (b) in that Reed violated the Revised Rules of Professional Conduct in effect at the time of his action as follows:

a. By failing to disclose to Silva the existence of File No. 06CR703796 and adding it to the plea agreement form after it was signed by Silva without notifying Silva, Reed engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation and engaged in conduct

prejudicial to the administration of justice in violation of Rules 8.4(c) and (d) of the Rules of Professional Conduct.

SECOND CLAIM FOR RELIEF

26. Paragraphs 1-25 are re-alleged and incorporated as if fully set forth herein.

27. Bobby Franklin Blakeney, Jr. (hereinafter “Blakeney”) retained Reed in or about April 2008 to represent him in domestic matters including but not limited to Divorce from Bed and Board, Equitable Distribution, Child Custody and Child Support.

28. Reed filed a Complaint on behalf of Blakeney in Onslow County on or about April 15, 2008.

29. Blakeney’s wife filed a similar action in California.

30. After discussion between the California and North Carolina courts, it was determined that the issue of custody would properly be heard in North Carolina and either state could hear the other matters.

31. Reed calendared the issues of temporary custody, visitation and summer vacation for July 21, 2008.

32. Under the local Rules of Court for Onslow County, “all actions involving unresolved, contested, or temporary issues, or change of custody and visitation of a minor child shall be ordered to mandatory mediation on such issues prior to trial.”

33. This mandatory mediation is required in all cases unless exempted by the Court.

34. Reed filed for an exemption by a Motion and Order to waive Custody Mediation in Blakeney’s case on or about June 25, 2008.

35. The Motion falsely stated that Blakeney lived more than fifty (50) miles from Court. This allegation was false. Where the parties reside more than 50 miles from the Court,

such distance is considered good cause for an exemption in the discretion of the Court under local rules.

36. The Motion also falsely stated that opposing party was unwilling to participate in any meaningful contact with the minor child. This allegation was untrue because the minor child was residing with Blakeney's wife at that time.

37. Blakeney discussed the incorrect information in the motion with Reed before Blakeney and Reed signed the motion and before Reed filed the motion with the court.

38. Reed advised Blakeney to sign the Motion even though she knew the allegation in paragraphs 35 and 36 were false.

THEREFORE, plaintiff alleges that Reed's foregoing conduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. §84-28 (b) in that Reed violated the Revised Rules of Professional Conduct in effect at the time of his action as follows:

a. By advising a client to sign a Motion which falsely represented material facts and by filing the form containing false representations with the Onslow County District Court, Reed engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation and engaged in conduct that is prejudicial to the administration of justice in violation of Rules 1.2(d), 3.3, 8.4(c) and (d) of the Rules of Professional Conduct.

THIRD CLAIM FOR RELIEF

39. Paragraphs 1-38 are re-alleged and incorporated as if fully set forth herein.

40. Reed was retained to represent Richard J. Ogniewski (hereinafter "Mr. Ogniewski") in the case entitled Kristie K. Ogniewski vs. Richard Ogniewski, File No.: 08 CVD 4036, Onslow County District Court.

41. Kristie K. Ogniewski, (hereinafter “Ms. Ogniewski”) the Plaintiff in 08 CVD 4036, was represented by attorney Timothy Oswalt (hereinafter “Oswalt”).

42. Oswalt contacted Reed on March 5, 2009, requesting available dates to depose Mr. Ogniewski.

43. Reed’s paralegal, Dorothy J. Novak, responded to Oswalt, on behalf of Reed, that April 8, 2009 would be an acceptable date for Mr. Ogniewski’s deposition.

44. On March 25, 2009, Oswalt noticed Mr. Ogniewski, by and through Reed, of his intent to depose Mr. Ogniewski on the agreed upon date of April 8, 2009.

45. On March 31, 2009, Reed filed calendar requests for April 7, 2009 and April 8, 2009, the date before and the date of the scheduled deposition, asking that all pending motions be heard. At the time that these calendar requests were filed the only pending motion was a motion to modify post separation support. This request was in violation of the local rule requiring calendar requests to be submitted no later than 10 (ten) days prior to the beginning of the session.

46. On April 1, 2009, Reed filed a Motion to Continue Deposition and an Amended Motion to Continue Deposition with no corresponding calendar request.

47. On April 8, 2009, the presiding judge refused to hear any of Reed’s motions.

48. Reed and Mr. Ogniewski presented themselves at 2:00 p.m. on April 8, 2009 at Oswalt’s law offices for the scheduled deposition of Mr. Ogniewski.

49. Prior to the commencement of the deposition, Reed agreed to standard stipulations which included waiving objection as to the notice of taking said deposition or as to the time or place thereof.

50. Shortly after the deposition began Reed unilaterally terminated the deposition stating that the deposition was being conducted in bad faith and in an unreasonable manner, among other things.

51. In a Motion to Terminate Deposition, filed on April 9, 2009, the day after the deposition was terminated, Reed stated, among other things, that the questions presented “were not part of any prior discovery question” and “that the defendant or defendant’s counsel was not put on notice as to the line of questions to be presented”.

52. Ms. Ogniewski, plaintiff in 08 CVD 4036, incurred expenses and inconvenience, including attorney’s fees as a result of Reed’s termination of the deposition without justification.

53. On April 30, 2009, the presiding judge denied Reed’s Motion to Terminate Deposition and found, in part, “that the deposition was not conducted in bad faith or in such a manner as to unreasonably annoy, harass or oppress the defendant”.

54. Reed was ordered to pay the cost of the partial deposition as well as Ms. Ogniewski’s attorney fees.

THEREFORE, plaintiff alleges that Reed’s foregoing conduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. §84-28 (b) in that Reed violated the Revised Rules of Professional Conduct in effect at the time of his action as follows:

a. By failing to comply with the local rules of court, and by failing to make reasonably diligent efforts to comply with a legally proper discovery request, Reed handled a legal matter that she knew or should have known she was not competent to handle in violation of Rule 1.1 of the Rules of Professional Conduct.

b. By unjustifiably terminating a properly noticed and ongoing deposition of her client, Reed failed to make reasonable efforts to expedite litigation in violation of Rule 3.2,

advised a client to disobey an obligation under the rules of a tribunal in violation of Rule 3.4(c), failed to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party in violation of Rule 3.4(d)(2), engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d) and harmed her client during the course of the professional relationship in violation of Rule 8.4(g) of the Rules of Professional Conduct.

FOURTH CLAIM FOR RELIEF

55. Paragraphs 1-54 are re-alleged and incorporated as if fully set forth herein.

56. On August 4, 2009, a criminal warrant was issued against Reed charging her with the felonies of Altering Court Documents (N.C. Gen. Stat. § 14-221.2) and Obstruction of Justice (N.C. Gen. Stat. § 14-3) under case file number 09 CR 55347, Onslow County District Court.

57. On August 4, 2009 a criminal warrant was issued against Reed charging her with the felonies of Common Law Forgery (N.C. Gen. Stat. § 14-3) and Common Law Uttering (N.C. Gen. Stat. § 14-3) under case file number 09 CR 55348, Onslow County District Court.

58. Reed committed criminal acts as described in paragraphs 56 and 57 set forth above.

THEREFORE, plaintiff alleges that Reed's foregoing conduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. §84-28 (b) in that Reed violated the Revised Rules of Professional Conduct in effect at the time of his action as follows:

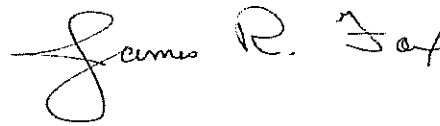
a. By failing to disclose to Silva the existence of File No. 06 CR 703796 and adding it to the plea agreement form after it was signed by Silva without notifying Silva and returning it to him, which constituted the criminal offenses of obstruction of justice, altering court documents, forgery and uttering, Reed committed criminal acts that reflect adversely on her

honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b) of the Rules of Professional Conduct.

WHEREFORE, plaintiff, the North Carolina State Bar, prays that:

1. Disciplinary action be taken against Reed in accordance with N.C. Gen. Stat. §84-28 and 27 N.C.A.C. 1B §.0114 as the evidence may warrant;
 2. Reed be taxed with the costs permitted by law in connection with the proceeding;
- and
3. For such other and further relief as is appropriate.

This the 26th day of August, 2009.



James R. Fox, Chair
Grievance Committee



William N. Farrell
Deputy Counsel
The North Carolina State Bar
P.O. Box 25908
Raleigh, N.C. 27611

STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
09 DHC 13

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

JANET P. REED, Attorney,

Defendant

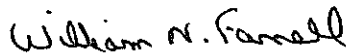
CERTIFICATE OF SERVICE
OF AMENDED COMPLAINT

CERTIFICATE OF SERVICE

This is to certify that the Amended Complaint filed by the State Bar in this matter on August 26, 2009 was served on Defendant's attorneys by depositing it in the United States Mail on November 28, 2005, postage prepaid, at the following address:

Dudley A. Witt and David B. Freedman
Crumpler Freedman Parker & Witt
Attorneys at Law
301 North Main Street Suite 1100
Winston Salem, NC 27101-3891

This the 26th day of August, 2009.



William N. Farrell
Deputy Counsel
The North Carolina State Bar
P.O. Box 25908
Raleigh, NC 27611